



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/056,058 Confirmation No. : 5470
First Named Inventor : Andrew W. HEATH
Filed : January 28, 2002
TC/A.U. : 1644
Examiner :

Docket No. : 010827.50861
Customer No. : 23911

Title : Vaccination Method

REPLY TO OFFICE ACTION

Mail Stop AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Reply to the Office Action mailed July 3, 2006 in the above-identified patent application.

This Reply is accompanied by a Petition under 37 C.F.R. §1.136(a) for a one-month extension of time and by a credit card authorization in the amount of \$120.00 in payment of the required extension of time fee.

Responsive to the requirement for restriction, Applicants hereby provisionally elect the claims of Group I, namely, claims 1-23 for examination in the instant application in the event the restriction requirement is not withdrawn. This provisional election is made with traverse, and reconsideration and withdrawal of the restriction requirement are respectfully requested.

The requirement for restriction is traversed because even assuming *arguendo* that patentable distinctness is shown, the attempted restriction is defective on its face because no adequate reason for insisting on restriction between the related adjuvant claims and method of use claims has been shown. See M.P.E.P. §808.02. Although the Office Action states that the groups "have acquired a separate status in the art as shown by their different classification and divergent subject matter," this statement is incorrect. The classification

given for both groups is identical. Thus, different classification is not shown, and there is no adequate reason for the Office to require restriction. See M.P.E.P. §808. Accordingly, reconsideration and withdrawal of the restriction requirement are respectfully requested.

Responsive to the requirement for a first election of species, Applicants hereby elect the species where the ligand is a CD40 antibody. This species election is made without traverse. Claims 1-4 and 6-34 are believed to read on the elected species.

Responsive to the requirement for a second election of species, Applicants hereby elect the species where the antigen is a T-cell dependent antigen. This species election is also made without traverse. Claims 1-20 and 24-34 are believed to read on this elected species.

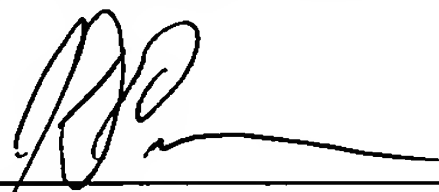
Favorable action on the application is earnestly solicited.

If there are any questions regarding this Reply or the application in general, a telephone call to the undersigned at (202) 624-2845 would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 010827.50861US).

Respectfully submitted,

August 22, 2006



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